

# Amid India's calamitous lockdown, Modi seeks to censor coronavirus reports

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With anger mounting across India over its calamitous mishandling of the coronavirus pandemic, the Bharatiya Janata Party (BJP) government made a brazen appeal this week for the country's Supreme Court to empower it to censor media reports.

Acting on the government's behalf, Solicitor General Tushar Mehta urged India's highest court to order media outlets to get New Delhi's approval before posting, publishing or broadcasting stories on the pandemic's impact on India and the government's efforts to halt its spread.

Rather than rebuking the Narendra Modi-led BJP government for seeking to muzzle and control the press, in flagrant violation of the rights to free speech and freedom of the press guaranteed in India's constitution, the court joined with the government in inveighing against the detrimental impact of supposed "fake news." It then proposed an alternate means for the government to compel the media to promote its narrative on the coronavirus pandemic, and, ominously, coupled this with a threat that media outlets that failed to publicize what it termed "the official version" of "developments" could be prosecuted for spreading "fake news."

For weeks the BJP government and Modi personally boasted that India was successfully countering the coronavirus pandemic, while, for mercenary reasons, authorizing only a tiny number of COVID-19 tests, and doing next to nothing to bolster India's ramshackle health care system.

Then on the evening of March 24, Modi abruptly changed course. With only a few hours warning, he announced that at midnight the country would be subject to a nationwide lockdown, and that India's 1.37 billion residents, with few exceptions, would be required to confine themselves to their homes for the next 21 days.

Modi provided no explanation as to how the hundreds of millions of Indians who work in the so-called informal

sector for subsistence wages and without benefits would be able to feed themselves and their families if they were unable to work for three weeks.

This hasty, ill-conceived and woefully unprepared lockdown has precipitated a social calamity, causing massive hardship to India's workers and toilers, and, no less criminally, dashing—possibly irreversibly—efforts to halt the pandemic's spread across India. This in a country where, because of mass poverty, the high population density, a dilapidated public health care system in urban centres and the absence of health care facilities across most of rural India, COVID-19 threatens to kill millions.

Over the past week and a half, people in India and around the world would have been shocked and angered by the plight of the millions of migrant workers who, having been left without any means to support themselves, have sought to return to their native villages by walking scores and even hundreds of kilometres.

For days, the BJP government did nothing as a sea of people took to India's roads. Then on the fifth day of the lockdown, it ordered that the migrant workers be blocked from crossing state boundaries, so as to stop their bringing the coronavirus into the depths of rural India, and ordered that they be housed in makeshift refugee camps.

With the incompetence and negligence of the government displayed in searing photos and video of the hungry and desperate migrant workers, Modi issued a cynical apology in his monthly radio address last Sunday. "I apologize for taking these harsh steps that have caused difficulties in your lives, especially the poor people," said India's prime minister, assuming a rare public pose of contrition. "I know some of you will be angry with me. But these tough measures were needed to win this battle."

However, conspicuously absent from his address was any increase in the pittance in relief, much of it in the form of increased rations of basic foodstuffs weeks and months hence, announced by Finance Minister Nirmala

Sitharaman on March 26.

It was within this context that advocates Alakh Alok Srivastava and Rashmi Bansal filed petitions with the Supreme Court asking it to order the authorities to provide adequate relief and rehabilitation for the migrant workers, adding that this was imperative to stop the spread of the coronavirus.

Led by Supreme Court Chief Justice Sharad Arvind Bobde, a two-judge bench of the Supreme Court curtly dismissed the petitions at a hearing Tuesday. This included a pro forma call for a government that has manifestly demonstrated its indifference to the migrant workers' fate to ensure they are treated "humanely."

"We are satisfied," declared Bobde and fellow justice, L. Nageswara Rao. "with the steps taken by the government for preventing the spreading of coronavirus at this stage."

The judges also endorsed the claim of Solicitor General Mehta that the mass exodus of migrant workers from Delhi and other major urban centres in Gujarat and Maharashtra was not the result of the government's callous failure to make any provision for their welfare, but rather the dissemination of "fake news."

The government's aim in blaming "fake news" for the migrant workers' plight was not just to absolve itself of responsibility. The Solicitor General used the Supreme Court hearing prompted by the Public Interest Litigation cases filed by Srivastava and Bansal to urge India's highest court, which has repeatedly connived in the BJP government's sweeping attacks on democratic rights and promotion of Hindu supremacism, to help it muzzle its critics.

This the Court did, issuing a ruling that represents a chilling attack on democratic rights, although not in the precise form Mehta, acting for Modi and his chief henchman, Home Minister Amit Shah, requested.

"We are informed that the labourers who are unemployed due to lockdown were apprehensive about their survival," declared the court. Accepting as fact Mehta's patently contrived claim that what precipitated the migrants' flight were rumours on social media, they went on to declare, "Panic was created by some fake news that the lockdown would last for more than three months."

The justices then cynically invoked the desperate plight of the migrant workers to justify attacking the freedom of the press. "Such panic-driven migration has caused untold suffering to those who believed and acted on such news. In fact, some have lost their lives in the process. It is

therefore not possible for us to overlook this menace of fake news either by electronic, print or social media..."

While refusing the Modi government's request for an order directly imposing censorship in the form of a requirement for media outlets to get prior government approval for all stories on the pandemic, the Supreme Court did the next best thing.

It endorsed the government's plan to establish a website to publicize its version of developments related to the pandemic and issued an order that media outlets must disseminate this "official" information.

"We expect," said the order issued by the two-judge Supreme Court bench, "the Media (print, electronic or social) to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated."

"We do not intend to interfere with the free discussion about the pandemic," the judges claimed as they did just that, "but direct the media [to] refer to and publish the official version about the developments."

To add teeth to their order, the judges noted that Section 54 of the Disaster Management Act, which was passed in 2005 under the Congress Party-led United Progressive Alliance government, provides for the criminal prosecution of those who circulate "a false alarm or warning as to a disaster or its severity or magnitude, leading to panic."

The BJP's censorship request and the court's effective greenlighting of it, albeit in a modified form, must be taken as a warning: the Modi government and the Indian elite as a whole are seeking to exploit the pandemic—including necessary limits on freedom of movement to halt the spread of the coronavirus—to develop authoritarian methods of rule.



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